

**ELECTORAL MATTERS COMMITTEE**

**Electoral Matters Subcommittee**

**Inquiry into voter participation and informal voting**

**Inquiry into political donations and disclosure**

Melbourne — 24 July 2008

Members

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Witness

Mr M. Doyle.

**The CHAIR** — We have had a funeral today for Mr Lindsay Thompson, so as a consequence we have a subcommittee in place at the moment. Welcome to the public hearings of the Electoral Matters Committee inquiring into political donations and disclosure and the inquiry into voter participation and informal voting. All evidence taken at this hearing is protected by parliamentary privilege as provided by the Constitution Act 1975 and further subject to the provisions of the Parliamentary Committees Act 2003, the Defamation Act 2005 and, where applicable, the provisions of reciprocal legislation in other Australian states and territories. I also wish to advise that any comments you make outside the hearings may not be afforded such privilege. Mr Doyle, have you read the ‘Giving evidence at a public hearing’ pamphlet?

**Mr DOYLE** — Yes.

**The CHAIR** — Can you please state your full name and business address?

**Mr DOYLE** — Michael Patrick Doyle, 637 Flinders Street, Melbourne.

**The CHAIR** — Are you attending in a private capacity or representing an organisation?

**Mr DOYLE** — Private capacity.

**The CHAIR** — Your evidence will be taken down and become public evidence in due course. I now invite you to make a verbal submission.

**Mr DOYLE** — Thank you. You wanted the business address, not the home address?

**The CHAIR** — Business address is preferable.

**Mr DOYLE** — Okay. Initially I wanted to say that there is a slight typo in my submission. The word ‘uncertainty’ in the first sentence of the conclusion should read ‘certainty’; it is rather a significant mistake. It should read, ‘We do not have any certainty about how many people have truly participated in the electoral process’.

Thank you for the opportunity to come here and talk to you. My submission concerns inherent and vitally important weaknesses in our voting system. I want to talk to you about why they are important, the weaknesses themselves and how to deal with them.

On voter participation the crucial point is: what do we mean by participation? Is it just about trekking to a voting booth, making a mark on a ballot and placing it in a cardboard box? Does it not involve some thought, some consideration? What is voter participation? It is the community expressing its faith and confidence in Parliament — in you. It provides government and opposition — you — with a legitimacy. It is individuals like me saying ‘I trust this person’ — you — ‘I trust you to represent me and to make decisions on my behalf. I want you to create and review legislation that will put boundaries on my behaviour, that will protect my children, my environment; that will improve my wellbeing, nurture my potential and that of my children and my grandchildren’.

Simply making a mark on a ballot is not participation. At the same time we have people who are being disenfranchised during the election process through informal votes. They make mistakes. We — you — have a responsibility to reduce the number of those informal votes. How do you do that? By education, publicity, advertising. But the task is made impossible if we cannot measure how many informal votes are due to mistakes and how many are due to deliberate voiding of the ballot. If you cannot measure it, you cannot manage it. It is a cliché, but it is still true.

Voter participation is vital. The greater the participation, the more legitimacy the Parliament has. Correspondingly a low level of participation leads to a low level of legitimacy for yourselves as representatives, and it becomes easier for minority groups to manipulate legally and illegally the electoral process for their own ends. I stress that I am talking about participation, not turnout. If we have those manipulations we have a result where decisions are made that might not be in the interests of the whole community.

Parliament and the electoral commission must be able to take steps to ensure that voter participation is maintained at a healthy level. To do that we have to be able to measure the participation. My contention is that we cannot measure it at the moment. And why not? Because we do not know how people are voting. Some of them make mistakes, some of them void the ballot. Some people strongly dislike all of the parties and candidates on offer, but what are they to do on election day to express their opinion? Do they cast an informal vote?

Some people vote according to a 'how-to-vote' card — no care, no consideration, they just fill in the ballot. All they care about is complying with the legislation. How many do that? We do not know. If you cannot measure it, you cannot manage it. Others vote 1, 2, 3, 4 in sequence down the ballot. How many do that? We do not know. Some people give it a lot of thought and consideration; hopefully the massive majority of us do, but we do not know. The reason we do not know these things is that we have got compulsory voting. It is a bit like a baby's cuddly blanket — I guess we do not see those so much these days in these politically correct days; I used to have a cuddly blanket that I twiddled as I sucked my thumb and it gave me reassurance — and it is a pretence. We can pretend that 95 per cent or so of voters have voted, that our representatives have legitimacy. It is a nonsense. Is a 95 per cent turnout of people compelled to vote better than a 70 per cent of people who vote willingly?

I have no doubt that there are academics and electoral experts who love the idea of compulsory voting: it gives them a degree of certainty about voting levels, if nothing else. There may well be a reputable research institute in the UK that wants compulsory voting in that country. But how many nations have introduced compulsory voting in the last 20 years? The problem is that we cannot enforce compulsory voting. There is no way that we can ensure that a person has actually marked a ballot paper. In my experience no parliamentarian wants to admit that a law is unenforceable, although the Australian Electoral Commission representative there has stated that it is not the case as some people have claimed that it is only compulsory to attend the polling place and have your name marked off. It is compulsory to vote; it is just not enforceable.

Finally, I want to remind you that Victoria was the first Australian state to enact formal protection of human rights by introducing a charter of human rights and responsibilities — a charter that aims to ensure that human rights are valued and protected within government and the community. The United Nations declaration of human rights states:

Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

The International Covenant on Civil and Political rights says that to vote every citizen has the right and the opportunity to vote and be elected at genuine elections held by secret ballot guaranteeing free expression of the will of the electors. There is no way that compulsory voting complies with the word 'free'. So there it is. Voter participation and informal voting involve an issue that cannot be measured. It is not an easy problem to solve, but it can be done and at the same time we would ensure compliance with our own Victorian charter of human rights, the United Nations covenant that we signed, we would remove confusion, we would have effective voter participation and we would be able to take steps — effective steps — to reduce informal voting. How? By changing our system to voluntary voting.

**The CHAIR** — Thank you, Mr Doyle. Any questions?

**Ms CAMPBELL** — No.

**Mr SCOTT** — No.

**The CHAIR** — In that case, thank you very much for your time, Mr Doyle. You will receive a copy of the transcript in about a fortnight. Typing errors may be corrected but not matters of substance.

**Witness withdrew.**